

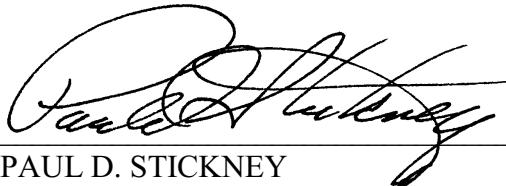
**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DAVID BUCIO-MARTINEZ,** §  
**Movant,** §  
v. § 3:17-cv-2882-D  
§ 3:16-cr-0468-D (01)  
**UNITED STATES OF AMERICA,** §  
**Respondent.** §

**ORDER**

During the pendency of Movant's direct appeal, he filed a 28 U.S.C. § 2255 motion seeking post-conviction relief. *See* Dkt. No. 2. Because Movant's direct appeal was still pending, it was recommended that the Section 2255 motion be dismissed without prejudice. *See* Dkt. No. 3. Before the Court adopted that recommendation, however, Movant's direct appeal was dismissed as frivolous. *See United States v. Bucio-Martinez*, No. 16-11749 (5th Cir. Oct. 24, 2017). The Court therefore VACATES the findings, conclusions and recommendation entered on October 23, 2017.

Signed this 28<sup>th</sup> day of November, 2017.



PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE